

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

AKAYED ULLAH,

Defendant.

REGULAR DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: JAN 10 2018

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INDICTMENT

18 CRIM 016

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COUNT ONE

(Provision of Material Support and Resources to a Designated
Foreign Terrorist Organization)

The Grand Jury charges:

1. On or about December 11, 2017, in the Southern District of New York and elsewhere, AKAYED ULLAH, the defendant, did knowingly and intentionally provide, and attempt to provide, "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, services and personnel (including himself), to a foreign terrorist organization, namely, the Islamic State of Iraq and al-Sham ("ISIS"), which at all relevant times was designated by the Secretary of State as a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act (the "INA"), and is currently designated as such as of the date of the filing of this Indictment, knowing that ISIS was a designated foreign terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that ISIS engages

JUDGE SULLIVAN

and has engaged in terrorist activity (as defined in section 212(a)(3)(B) of the INA), and that ISIS engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), to wit, ULLAH detonated and attempted to detonate an improvised explosive device ("IED") in the vicinity of the Port Authority Bus Terminal in New York, New York, for and in the name of ISIS.

(Title 18, United States Code, Section 2339B.)

COUNT TWO

(Use of a Weapon of Mass Destruction)

The Grand Jury further charges:

2. On or about December 11, 2017, in the Southern District of New York and elsewhere, AKAYED ULLAH, the defendant, acting without lawful authority, did use and attempt to use weapons of mass destruction, namely, destructive devices as defined by Title 18, United States Code, Section 921, against persons and property within the United States, and (a) the mail and facilities of interstate and foreign commerce, including mobile telephones, were used in furtherance of the offense, (b) such property was used in an activity that affects interstate and foreign commerce, (c) a perpetrator traveled in interstate and foreign commerce in furtherance of the offense, and (d) the offense and the results of the offense affected interstate and foreign commerce, to wit, ULLAH detonated and attempted to detonate an IED in the vicinity of the Port

Authority Bus Terminal in New York, New York.

(Title 18, United States Code, Sections 2332a(a)(2)(A),
2332a(a)(2)(B), 2332a(a)(2)(C), and 2332a(a)(2)(D).)

COUNT THREE

(Bombing a Place of Public Use and a Public
Transportation System)

The Grand Jury further charges:

3. On or about December 11, 2017, in the Southern District of New York and elsewhere, AKAYED ULLAH, the defendant, did knowingly and unlawfully deliver, place, discharge, and detonate an explosive and other lethal device in, into, and against a place of public use and a public transportation system, and did attempt to do the same, with the intent to cause death and serious bodily injury, and with the intent to cause extensive destruction of such a place and system, and where such destruction resulted in and was likely to result in major economic loss, and the offense took place in the United States and a perpetrator is a national of another state, namely, Bangladesh, and the offense was committed in an attempt to compel the United States to do and abstain from doing any act, to wit, ULLAH detonated and attempted to detonate an IED in the

vicinity of the Port Authority Bus Terminal in New York, New York.

(Title 18, United States Code, Sections 2332f(a)(1)(A), 2332f(a)(1)(B), 2332f(b)(1)(B), and 2332f(b)(1)(E).)

COUNT FOUR

(Destruction of Property by Means of Fire or Explosive)

The Grand Jury further charges:

4. On or about December 11, 2017, in the Southern District of New York and elsewhere, AKAYED ULLAH, the defendant, willfully and knowingly did maliciously damage and destroy, and attempt to damage and destroy, by means of fire and explosives, a building, vehicle, and other real and personal property used in interstate and foreign commerce, and in any activity affecting interstate and foreign commerce, to wit, ULLAH detonated and attempted to detonate an IED in the vicinity of the Port Authority Bus Terminal in New York, New York.

(Title 18, United States Code, Section 844(i).)

COUNT FIVE

(Terrorist Attack Against Mass Transportation Systems)

The Grand Jury further charges:

5. On or about December 11, 2017, in the Southern District of New York and elsewhere, AKAYED ULLAH, the defendant, knowingly and without lawful authority and permission, through conduct engaged in, on, against, and affecting a mass transportation provider, (a) placed and attempted to place a

destructive substance and destructive device in, upon, and near a mass transportation vehicle -- which was carrying passengers and employees at the time of the offense -- with intent to endanger the safety of persons, and with a reckless disregard for the safety of human life; (b) placed and attempted to place a destructive substance and destructive device in, upon, and near a garage, terminal, structure, track, electromagnetic guideway, supply, and facility used in the operation of, and in support of the operation of, a mass transportation vehicle -- which was carrying passengers and employees at the time of the offense -- and with intent to, and knowing and having reason to know, such activity would likely derail, disable, and wreck a mass transportation vehicle used, operated, and employed by a mass transportation provider; and (c) committed, and attempted to commit, an act, including the use of a dangerous weapon, with the intent to cause death and serious bodily injury to persons who were on or in a garage, terminal, structure, track, electromagnetic guideway, supply, and facility used in the operation of, and in support of the operation of, a mass transportation vehicle, which mass transportation vehicle was carrying passengers and employees at the time of the offense, to wit, ULLAH detonated and attempted to detonate an IED in the vicinity of the Port Authority Bus Terminal in New York, New York, which terminal was then in use by subway cars and buses

that were carrying passengers and employees at the time of the offense.

(Title 18, United States Code, Sections 1992(a)(2), 1992(a)(4)(B), 1992(a)(7), 1992(a)(10), 1992(b)(1), and 1992(c)(1)..)

COUNT SIX

(Use of a Destructive Device During and in Furtherance of a Crime of Violence)

The Grand Jury further charges:

6. On or about December 11, 2017, in the Southern District of New York and elsewhere, AKAYED ULLAH, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, the offenses charged in Counts One through Five of this Indictment, willfully and knowingly did use and carry a destructive device, and, in furtherance of such crimes, did possess a destructive device, to wit, ULLAH detonated and attempted to detonate an IED in the vicinity of the Port Authority Bus Terminal in New York, New York.

(Title 18, United States Code, Sections 924(c)(1)(A) and 924(c)(1)(B)(ii)..)

FORFEITURE ALLEGATION

7. As a result of committing the offenses alleged in Counts One through Five of this Indictment, AKAYED ULLAH, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(G) and Title 28, United States Code, Section 2461(c), any and all assets, foreign

and domestic, of the defendant; any and all assets, foreign and domestic, affording the defendant a source of influence over any entity or organization engaged in planning or perpetrating said offenses; any and all assets, foreign and domestic, acquired or maintained with the intent and for the purpose of supporting, planning, conducting or concealing said offense; any and all assets, foreign and domestic, derived from, involved in, or used or intended to be used to commit said offenses, including but not limited to a sum of money in United States currency representing the total amount of the defendant's assets.

Substitute Assets Provision

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States

Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)

Kim Johnson
FOREPERSON

Geoffrey S. Berman
GEOFFREY S. BERMAN
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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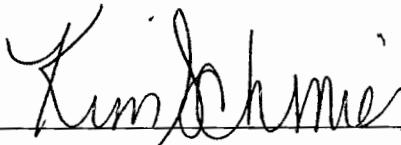
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18 Cr.

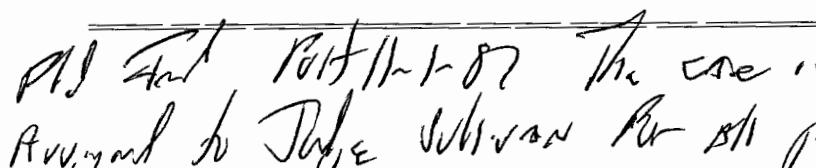
(18 U.S.C. §§ 844(i), 924(c), 1992,
2332a, 2332f, and 2339B.)

GEOFFREY S. BERMAN
United States Attorney.

A TRUE BILL



Kim Schrier
Foreperson.

1/10/18 
As far as I am concerned the case is
Assigned to Judge Mozena for all purposes
Mo. Judge Mozena